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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 35305

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Office of Proceedings

OCT 22 2009

**Part of
Public Record**

**MOTION OF
ARKANSAS ELECTRIC COOPERATIVE CORPORATION
FOR LEAVE TO WITHDRAW WITHOUT PREJUDICE ITS
PETITION FOR A STAY**

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Dated: October 22, 2009

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SURFACE TRANSPORTATION BOARD**

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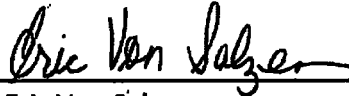
**MOTION OF
ARKANSAS ELECTRIC COOPERATIVE CORPORATION
FOR LEAVE TO WITHDRAW WITHOUT PREJUDICE ITS
PETITION FOR A STAY**

Arkansas Electric Cooperative Corporation ("AECC") respectfully moves the Board for leave to withdraw, without prejudice, its Petition for a Stay to enjoin BNSF Railway Company ("BNSF") from enforcing Tariff 6041-B, Items 100 and 101 (the "Tariff") pending the Board's decision on AECC's Petition for a Declaratory Order.

In response to the Petition for a Stay, BNSF has represented to the Board that it is "suspending the effective date of [the Tariff] until August 1, 2010." BNSF Railway Company's Reply In Opposition To Arkansas Electric Cooperative Corporation's Petition for a Stay, at 2. Based on this representation, there is no immediate need for the stay that AECC sought in its Petition for a Stay.

Accordingly, AECC requests leave of the Board to withdraw the Petition for a Stay, without prejudice.

Respectfully submitted,



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CERTIFICATE OF SERVICE

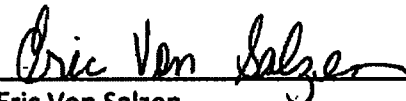
I hereby certify that on this 22nd day of October 2009, I caused a copy of the foregoing document to be served by first class mail, postage prepaid, on:

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